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INTEL CORPORATION

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

VLSI TECHNOLOGY, LLC,  
  
Plaintiff,  
  
v.  
  
INTEL CORPORATION,  
  
Defendant.

Case No. 5:17-cv-05671-BLF-NC

**INTEL CORPORATION'S MEMORANDUM  
OF POINTS AND AUTHORITIES IN  
SUPPORT OF ITS OMNIBUS MOTION  
FOR SUMMARY JUDGMENT**

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**Exhibits**

The exhibits cited in the motion as “Ex. \_\_” are attached to the Declaration of Mark Selwyn filed herewith.

**PUBLIC REDACTED VERSION****I. INTRODUCTION**

Intel respectfully requests summary judgment (1) of no infringement for the four asserted patents, U.S. Patent Nos. 8,566,836 (“’836 patent”), 8,004,922 (“’922 patent”), 7,675,806 (“’806 patent”), and 8,268,672 (“’672 patent”), (2) of invalidity of the asserted claims for the ’922 patent, (3) that it is licensed to all asserted patents, and (4) of no willful infringement, no indirect infringement, and no enhanced damages for any patent.

**II. LEGAL STANDARD**

Summary judgment is appropriate when there “is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a); *see Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247 (1986). To defeat summary judgment, the nonmoving party must come forward with “specific facts showing that there is a genuine issue for trial.” *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-87 (1986) (emphasis omitted).

**III. INTEL IS ENTITLED TO SUMMARY JUDGMENT OF NO INFRINGEMENT OF THE ’836 PATENT.****A. Technical Background And Asserted Claims**



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## B. Intel's Accused Products

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### C. Intel Is Entitled To Summary Judgment Of No Literal Infringement.

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**D. Intel Is Entitled To Summary Judgment Of No Infringement Under The DOE.**

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**E. Intel Is Also Entitled To Summary Judgment Of No Infringement For The '836 Patent Because Intel's Testing Occurs Outside The United States.**

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**IV. INTEL IS ENTITLED TO SUMMARY JUDGMENT OF NO INFRINGEMENT OF THE '922 PATENT.**

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12 **V. INTEL IS ENTITLED TO SUMMARY JUDGMENT THAT THE '922 ASSERTED**  
13 **CLAIMS ARE INVALID AS INDEFINITE.**

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11 **VI. INTEL IS ENTITLED TO SUMMARY JUDGMENT OF NO INFRINGEMENT OF**  
12 **THE '806 PATENT.**

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## B. Intel's Accused Products

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### C. Intel Is Entitled To Summary Judgment Of No Infringement.

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**VII. INTEL IS ENTITLED TO SUMMARY JUDGMENT OF NO INFRINGEMENT OF  
THE '672 PATENT.**

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**A. The Asserted Claim And Intel's Accused Processes**

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**B. Intel Is Entitled To Summary Judgment Of No Infringement.**

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**VIII. INTEL IS ENTITLED TO SUMMARY JUDGMENT OF NO INFRINGEMENT FOR ALL ASSERTED PATENTS BECAUSE INTEL IS LICENSED.**

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**IX. INTEL IS ENTITLED TO SUMMARY JUDGMENT OF NO WILLFUL INFRINGEMENT, NO INDIRECT INFRINGEMENT, AND NO ENHANCED DAMAGES.**

[REDACTED]

**A. The Court Should Grant Summary Judgment Of No Indirect Infringement And No Willful Infringement.**

[REDACTED]

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**B. Intel Is Entitled To Summary Judgment Of No Enhanced Damages.**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

PUBLIC REDACTED VERSION

1 X. CONCLUSION

2 [REDACTED]

3 Respectfully submitted,

4 Dated: August 24, 2023

5 /s/ Mark D. Selwyn

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